

REC'D/FILED
Clark County District Court
1/29/2024

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR CLARK COUNTY

KATHLEEN SPENCER,

PLAINTIFF,

v.

PEACEHEALTH,

DEFENDANT.

CAUSE NO: 24C0666-6

COMPLAINT

Plaintiff Kathleen Spencer, by and through her attorney, Joseph Wagner, complains,
alleges, and states on knowledge and belief as follows:

I. PARTIES:

1. At all times material to this action, Plaintiff was a resident of Clark County, Washington.
2. At all times material to this action, Defendant Peacehealth was a non-profit corporation organized in Washington with its principal place of business in Washington.

II. JURISDICTION AND VENUE

3. Defendant resides and has its principal place of business in Vancouver, Washington.
Plaintiff was employed by Defendant out of its principal place of business for all relevant periods of time.

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1 4. The parties and subject matter of this lawsuit are subject to the jurisdiction of this Court,
2 and venue is proper in Clark County, Washington.

3 5. The claims alleged herein are for monetary damages less than \$100,000 and thus subject
4 to the jurisdiction of the Clark County District Court.

5 **III. GENERAL ALLEGATIONS**

6 6. Ms. Kathleen Spencer was employed by Defendant PeaceHealth from 2015 until the
7 spring of 2023. Ms. Spencer's role was Patient Access Representative in the Admitting
8 Department.

9 7. Defendant was active in union organizing during much of this time and was a key voice in
10 getting the union certified.

11 8. Ms. Spencer was and is a member of the union, Oregon Federation of Nurses and Health
12 Professionals and was subject to the collective bargaining unit.

13 9. Ms. Spencer made numerous complaints under the collective bargaining agreement after
14 the union was certified.

15 10. On knowledge and belief, Defendant retaliated against her by eliminating her position and
16 knowingly terminated her in her violation of the collective bargaining agreement for
17 exercising her rights under the collective bargaining agreement.

18 11. The collective bargaining agreement covers only contractual claims and does not cover
19 claims sounding in tort.

20 12. Defendant failed to provide sufficient notice to Ms. Spencer that her position was being
21 "eliminated" as it was claimed by PeaceHealth.

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IV. CAUSES OF ACTION

CLAIM #1: WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

13. Plaintiff incorporates all preceding relevant paragraphs in this complaint.

14. Defendant Peacehealth wrongfully terminated Ms. Spencer as retaliation against Ms. Spencer for exercising her rights under the collective bargaining agreement.

15. Because of Peacehealth's wrongfull termination, Ms. Spencer has been unable to find suitable replacement work with similar terms and conditions as the position she had at Peacehealth.

16. Plaintiff has suffered emotional distress, pain and suffering, embarrassment, loss of enjoyment of life, and other general damages in an amount to be proven at trial.

17. Plaintiff seeks her past and future wages, general damages, and all costs and attorneys' fees.

JURY TRIAL REQUESTED

Plaintiff hereby requests a six person jury trial to determine all issues of fact, as well as mixed questions of fact and law. Plaintiff will file a separate jury demand and pay the applicable fee, however, nonetheless, Plaintiff provides notice that a jury trial will be requested and will not waive such right unless expressly stated in writing.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For specific damages to be proved at trial, including any right to statutory or exemplary damages.

COMPLAINT - 3

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- 1 2. For any general damages permitted by law or equity to be proven at trial.
- 2 3. For pre-judgment and post-judgment interest in the amount of 12% per annum.
- 3 4. That Plaintiff should be allowed all reasonable costs in filing this lawsuit.
- 4 5. For attorneys' fees as provided by any statute reasonably related to the claims herein,
- 5 including those expressly cited, or upon any grounds of contract or equity that may exist.
- 6 6. For all other relief the Court finds just and equitable.
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12 RESPECTFULLY SUBMITTED this January 29th, 2024.

13 s/Joseph Wagner

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25 COMPLAINT - 4

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